IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No: 24612 of 2004

Between:

The Tirumala Venkateswara Labour Contract Cooperative Society Limited, Rep. by its President U. Venkateswarlu,
S/o. Patha Pataiah, Aged about 55 Years, R/o. Lingam Makkapalli Village, Nuzendla Mandal, Guntur District.

..... PETITIONER

AND

1 The Superintending Engineer, Nagarjuna Sagar Project (NSP), Irrigation Circle, Ongole.
2 The Executive Engineer, N.S. Canals Division, Vinukonda, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of " Writ of Mandamus" or any other writ or order or direction, call for and examine the records of the agreement No.1 S.E.87-88 dt. 2-4-1987 and measurement book on the files of the 1st respondent and issue direction, directing the respondents to pay the bills to a tune of Rs.1,60,000/- with interest.

Counsel for the Petitioner: MR.C.H.SATISH KUMAR

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court at the admission stage made the following:

ORDER:

Petitioner states that it was awarded the work of construction of Anacut (Rockfill Dam) across Kandurla Vagu, for the purpose of irrigating the distressed Ayacut in Block No.16 of N.S.R.C., way back in the year 1985-86 at a cost of Rs.5,63,287/-.

According to it, a sum of Rs.1,60,000/- remained unpaid. It claims to have made several representations for payment of the same from time to time and complains that the respondents have not taken any action thereon.

Learned counsel for the petitioner submits that the respondents ought to have disposed of the representation and he seeks appropriate directions from this Court.

Learned Government Pleader for Irrigation, on the other hand, submits that the writ petition is not maintainable for more reasons than one, such as the matter being contractual in nature, claim is barred by limitation, laches etc.

The question as to whether the claim of the petitioner is true and genuine, and if so, whether it is barred by limitation, cannot be decided by this Court at this stage. Strictly speaking, the petitioner ought to have filed a suit for recovery of the said amount, if it is due. Petitioner states that it has been making representations from time to time, the latest being on 14.11.2004, and there was no proper response.

Having regard to the facts and circumstances of the case, the writ petition is disposed of, directing the respondents to consider the representations said to have been made by the petitioner including the one dated 14.11.2004, and pass appropriate orders thereon, within a period of eight weeks from the date of receipt of this order. There shall be no order as to costs.

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29.12.2004

Jsu

To

1 The Superintending Engineer, Nagarjuna Sagar Project (NSP), Irrigation Circle, Ongole.
2 The Executive Engineer, N.S. Canals Division, Vinukonda, Guntur District.

3 2 CCs to the G.P. for Irrigation and Common Area Development, High Court of A.P., Hyderabad (OUT).

4 2 CD copies.